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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,794	08/25/2003	Hong-Chi Lee	LEEH 3014 / EM	1241
7590	01/19/2005		EXAMINER	
Hong-Chi, Lee Techmech Technologies Corp. 2F-4-5, No. 148, Sec. 4, Chung Hsiao E. Rd., Taipei, Taiwan, R. O. C., TAIWAN			SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 01/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,794	LEE, HONG-CHI	
	Examiner Flemming Saether	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Claim Rejections - 35 USC § 103

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (Figs. 11 and 12) in view of Ernest (US 3,465,803) and further in view of Swanstrom (US 5,338,139). The admitted prior art (APA) discloses a fixing member comprising: a screw having a positioning element (A) with a socket and surrounded by a knob with a grip; a securing set (B) with buckling grooves (B2) and; a resilient element positioned in a receiving space in the knob and a securing set to bias the screw relative to the securing set. The screw element further includes an inlayed fixing lid (C). Ernest discloses each of the top of the securing set and the bottom of the flange provided with a buckle (B1, A2) but does not disclose a thread at the top of the securing set and bottom of the flange. Ernest teaches the equivalence of the buckle (449, Fig. 14) and a thread (520, Fig. 15) in a fixing member. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the buckle of the prior art with a thread in view of the teaching of Ernest. Indeed, the thread would be advantageous over the buckle since the thread would allow for removal. Once the combination was made, the thread would inherently include supporting portions.

Swanstrom also discloses a fixing member but in Swanstrom, the screw element (12) is dimensioned such that the entire screw element is positioned within the securing set (17) and knob (13). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to dimension the screw of the APA as disclosed in Swanstrom so that the screw fits entirely with the securing set and knob. The dimension of the screw relative to the securing set and knob would depend on a

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particular application but, it would be advantageous to not have the screw protruding so the substrate into which the screw is to be inserted would not become accidentally damaged by the protruding screw.

Response to Remarks

The examiner agrees that neither the APA nor Earnest discloses the screw to be entirely contained within the knob and securing set. However, since Swanstrom has been applied to teach the screw entirely with the knob and securing set, applicant's arguments have been rendered moot. Although Swanstrom was applied in the rejection is should be noted that Frank (US 3,180,389) also shows the screw to be entirely contained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether
Primary Examiner
Art Unit 3677